

the base claim and any intervening claims. New claims 129-130 are similar to claims 16-17, except that they depend from new claim 128, rather than claim 15. New claims 131-144 are similar to claims 19-32, except that they depend from new claim 128, rather than claim 13. New claim 145 contains the subject matter of claim 34 and is written in independent form including all limitations of the base claim and any intervening claims. New claim 146 is similar to claim 35, except that it depends from new claim 145, rather than claim 33. New claim 147 contains the subject matter of claim 88 and is written in independent form including all limitations of the base claim and any intervening claims. New claims 148-151 are similar to claims 89, 91, 92, and 90, respectively, except that they depend from allowable claim 147, rather than claim 87. New claim 152 contains the subject matter of 126 and is written in independent form including all limitations of the base claim and any intervening claims. New claims 153-155 are similar to claims 127, 123, and 125, respectively, except that they depend from new claim 152, rather than claim 122. No new matter has been added by way of addition of any of these claims. Passage of these claims to allowance is respectfully requested.

Applicants have carefully reviewed the Office Action mailed on April 18, 2000. As requested by the Examiner, applicants have amended page 2 of the specification to update the status of a priority application. The specification, as amended, states that U.S. Patent Application Serial No. 08/658,993 has been abandoned.

Claims 13, 18-33, 35, 55-59, 79-82, 87, 89-90, and 118-125 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wittwer et al. In a previous Response, Applicants respectfully submitted that Wittwer et al. is not prior art because it was published after the date of the present patent application. The patent application was filed on June 4, 1997, while Wittwer et al. was published May 28, 1998. In that previous Response,

Applicants submitted the title page and copyright page for this reference, clearly showing a 1998 copyright date.

The Examiner has reiterated this rejection in the present Office Action. The Examiner notes that the copyright date is not a publication date as copyrighting may occur at anytime. Attached as Exhibit B is a printout of an electronic communication from Caroline Graf of Birkhaeuser Boston, publisher of Reference FB, stating that the publication date is 05/28/98. Thus, the publisher of the cited reference has confirmed this publication date.

Additionally, the Examiner has noted that the Library of Congress cataloging occurred in 1997. However, the Library of Congress Cataloging In-Publication number is from a pre-publication process and is not indicative of the actual publication date. Attached as Exhibit C is a publication describing this process.

The Examiner has also noted that citations in PTO Form 1449 require a correct date of publication for each citation. Applicants submit herewith a corrected sheet 7 of 7 of PTO Form 1449, listing the correct publication date for Reference FB. Applicants note that while Reference FB was submitted in an Information Disclosure Statement dated March 30, 1998, before the publication date of Reference FB, the copy of the document submitted in the Information Disclosure Statement was a preprint. This fact is demonstrated in the pagination of the document. The document submitted in the Information Disclosure Statement in March 1998 starts on page 1, whereas the document as published by Birkhaeuser Boston on May 28, 1998 starts on page 129.

Because Wittwer et al. is not prior art for the purposes of this application, a rejection based on this reference is improper. Withdrawal of this rejection is respectfully requested.

The amendments and remarks presented herein are intended to fully address each of the Examiner's objections/rejections. In light of the amendments and remarks, the applicants respectfully request allowance of the pending claims and passage of the application to issuance.

Respectfully submitted,



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